IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1035 OF 2005

IN

EXECUTION APPLICATION NO.183 OF 2004

IN

SUMMARY SUIT NO.1510 OF 2002

M/s.G.M.Breweries Ltd. ...Plaintiffs

Versus

M/s.Siddhivinayak Builders & Ors. ...Defendants

And

Rajnikant R.Mer & Gayatriben...Intervenors/Obstruc./R.Mer Respondents

.....

Ms.Sumedha Rao for Applicants/Intervenors.

Mr.O.A.Das for Plaintiffs.

Mr.G.T.Mestha, Commissioner for Taking Accounts is present.

.....

CORAM: A.M.KHANWILKAR, J.

SEPTEMBER 20, 2005.

P.C.

1. Heard Counsel for the parties. Perused

the pleadings.

2. This Chamber Summons is taken out in respect of Flat bearing No.A-103 in Venus Building, situated at Chikoowadi, Boriwali (West), Mumbai - 400 092 for raising of attachment and setting aside the order as passed.

3. The Counsel for the Judgment Creditors fairly submits that there are documents on record to establish that the Applicants have purchased Flat No.A-103 in Venus Building for consideration. The Agreement is a registered Agreement. The Applicants have also been put in possession of the said flat before the warrant of attachment was issued on 7th July 2004.

4. Accordingly, Chamber Summons is allowed to the limited extent of raising of attachment in respect of Flat No.A-103 in Venus Building.

A.M.KHANWILKAR, J.